APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,341	12/15/2000	James C. Colson	157-956	9182

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EXAMINER
NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
2171	

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/737,341	COLSON ET AL.
	Examiner	Art Unit	
	CamLinh Nguyen	2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 May 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1 – 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Boothby et al

(U.S. 6,212,529).

♦ As per claim 1, 7, 14,

Boothby discloses a synchronization system that allows the user to create filters to be used in the

synchronization process (col. 5, lines 14 – 20). The filters are previously created and stored in

the database (See col. 7, lines 14 – 17, Boothby). Boothby teaches that:

- " In response to a sync session request from a client device, reading a selected

   prioritization schema associated with a user initiating the sync session request" See claim

   1, col. 23, lines 20 – 37, col.11, lines 24 - 30. In particular:

   - A sync session request corresponds to the request that the Network computer send

      to the server to execute the synchronization process (see Fig. 5, col. 7, lines 6 –

      10, Boothby.

   - Applicant defined the "prioritization schema" as a predefined scheme. The

      "filters" in Boothby also a predefined scheme and is stored in database (See col.

      7, lines 14 – 17, Fig. 6, element 42). The "filters" includes the conditional or rule

that applied for each record (see Fig. 8 - 9, col. 6, lines 20 – 24, col. 10, lines 65 –

col. 11, lines 20, Boothby). Therefore, the "prioritization schema" corresponds to

the filters in Boothby.

- " The selected prioritization scheme comprising a scheme of prioritization among data

  included in a set of objective data remote from the client device to produce a prioritized

  data set" See Fig. 6, 8 and correspond text. In Fig. 6, the user can select a particular filter

  among other available filters. Where each filer included a set of objective data remote

  from the client.

- "Retrieving schema effecting data necessary in effecting the selected prioritization

  schema" See claim 1, col. 23, lines 20 – 37, col.11, and lines 24 – 30, Boothby.

- "Producing a prioritized data set based on the selected prioritization schema" col. 11,

  lines 31 – 34, Boothby.

♦ As per claim 2, 8, 15, Boothby discloses:

- "Enabling a user to choose the selected prioritization schema from the plurality of

  available prioritization schemas". See Fig. 6 – 8, col. 7, lines 10 – 12, Boothby.

♦ As per claim 3, 16, Boothby discloses:

- "Enabling the user to choose an additional selected prioritization scheme". Again, there

  are plurality of resources in the server; therefore, the user can also choose additional

  scheme such as specifies additional resources to synchronize.

♦ As per claim 4, 9, 17, Boothby discloses:

- " Retrieving a particular prioritization formula from a plurality of stored ... parameter"

  see Fig. 8 – 9, col. 10, lines 65 – col. 11, lines 20, Boothby.

- " Applying the retrieved prioritization formula... data set" col. 11, lines 31 – 34,

  Boothby.

♦ As per claim 5 – 6, 10 – 11, 18 – 20, Boothby discloses:

- "Recognizing request characteristics from the received sync session..." Fig. 2, 5 teach

  about the determining the request characteristics. When the system starts the

  synchronization process, it must check for identification for the requesting user, the client

  device type (col. 5, lines 45 – 62). From these characteristics, the database will retrieve

  the corresponded table or parameters from the storage.

- "Using the recognized request characteristics in retrieving ..." col. 11, lines 31 – 34,

  Boothby.

♦ As per claim 12 – 13, Boothby discloses:

- " Metadata collection program code" and "the data retrieval program" See Fig. 2, col. 5,

  lines 45 – col. 6, lines 65.

♦ As per claim 21 – 22, Boothby discloses:

- "A prioritization scheme storage" See Fig. 2.

- Fig. 2 is a system comprises a data processing device, and it clearly operating under the

  control or operational software

Response to Arguments

1.   Applicant's arguments with respect to claims 1- 22 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

2.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

3.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CamLinh Nguyen whose telephone number is 703 - 305-1951.

The examiner can normally be reached on Monday-Friday.

From October 25, 2004, the Examiner can be reached at a new phone number: 571 –

272 – 4024.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Safet Metjahic can be reached on 308-1436. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cam-Linh Nguyen

Art Unit 2171

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